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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,921	11/26/2003	Michael Edwards	030212	1176
38516 7590 08/11/2008 SCOTT P. ZIMMERMAN, PLLC PO BOX 3822 CARY, NC 27519				
EXAMINER				
TIEU, BINH KIEN				
ART UNIT		PAPER NUMBER		
2614				
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08/11/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/722,921

**Applicant(s)**

EDWARDS, MICHAEL

**Examiner**

BINH K. TIEU

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Historic Prosecutions***

1. On 03/07/2008, the Applicant filed an amendment in response to the Non-Final Office Action mailed on 12/11/2007. In the amendment, Applicant amended all twenty (20) pending claims. On 06/02/2008, the next Office Action was made Final.

### ***Response to Arguments***

2. The Applicant's argument filed on 07/25/2008, the Applicant filed a response to the Final Office Action wherein the Applicant argued that the applied reference, Rosenthal (US. Pat. #: 7,177,404), may not be cited against the pending claims. This application was filed November 26, 2003, and *Rosenthal* has an effective filing date of February 3, 2004. *Rosenthal*, then, is not a proper § 102 (a), (b), or (e) document. The pending claims, then, cannot be anticipated or obviated using *Rosenthal*. Therefore, the Final Office Action is withdrawn.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 8, 11-12, 14-15 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Stephens et al. (US. Pat. #: 6,259,772).

**Regarding claim 1**, Stephens et al. ("Stephens") teaches a method comprising:

accessing a profile storing information for generating a message;

at a time indicated in the profile, generating the message;

retrieving a voice communications address from the profile;

routing the message to a destination address; and

when an off-hook condition is detected at the destination address within a pre-selected time period from the routing of the message, then automatically establishing a voice connection between the destination address and the voice communications address (note the flow chart in figure 13, col. 8, line 49 through col.9, line 48).

Regarding claim 2, note col.9, lines 24-35.

Regarding claim 8, note col.10, lines 12-18.

**Regarding claim 11**, Stephens teaches a computer program product comprising a computer readable medium storing processor executable instruction for performing a method, the method comprising:

accessing a profile storing information for generating a message;

at a time indicated in the profile, generating the message;

retrieving a voice communications address from the profile;

routing the message to a destination address; and

when an off-hook condition is detected at the destination address within a pre-selected

time period from the routing of the message, then automatically establishing a voice connection between the destination address and the voice communications address (note the flow chart in figure 13, col. 8, line 49 through col.9, line 48).

***Regarding claim 12***, Stephens teaches a system comprising:

means for accessing a profile storing information for generating a message;

at a time indicated in the profile, means for generating the message;

means for retrieving a voice communications address from the profile;

means for routing the message to a destination address; and

when an off-hook condition is detected at the destination address within a pre-selected time period from the routing of the message, then means for automatically establishing a voice connection between the destination address and the voice communications address (note the flow chart in figure 13, col. 8, line 49 through col.9, line 48).

***Regarding claim 14***, Stephens teaches a method, comprising:

receiving a stock quote at a destination address;

if an off-hook condition is detected at the destination address within a pre-selected time period from the receipt of the stock quote, then retrieving a voice communication address and automatically establishing a voice connection between the destination address and the voice communications address; and

if the off-hook condition is not detected within the pro-selected time period, then declining to automatically establish the voice connection (note the flow chart in figure 13, col.4, lines 37-40 and col. 8, line 49 through col.9, line 48).

Regarding claim 15, Stephens further teaches limitations of the claim in col.9, lines 39-48.

***Regarding claim 18***, Stephens teaches a system, comprising:

means for receiving a stock quote at a destination address;

if an off-hook condition is detected at the destination address within a pre-selected time period from the receipt of the stock quote, then means for retrieving a voice communication address and automatically establishing a voice connection between the destination address and the voice communications address; and

if the off-hook condition is not detected within the pro-selected time period, then means for declining to automatically establish the voice connection (note the flow chart in figure 13, col.4, lines 37-40 and col. 8, line 49 through col.9, line 48).

Regarding claim 19, Stephens further teaches limitations of the claim in col.9, lines 39-48.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2614

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-7, 13, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephens et al. (US. Pat. #: 6,259,772) in view of Levy (US. Pat. #: 6,556,997 *as cited in the previous Office Action*).

Regarding claims 3-7 and 13, Stephens teaches all subject matters as claimed above, except for the features of retrieving a stock symbol from the profile; retrieving an origination address from the profile; querying the origination address to obtain the stock quote; and including the stock quote in the message routed to the destination address. However, Levy teaches such features in col.6, lines 36-56; col.6, line 60 through col.7, line 17; col.9, lines 15-27 for a purpose of providing customers with up-to-date contents or information from the specified sources.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of retrieving a stock symbol from the profile; retrieving an origination address from the profile; querying the origination address to obtain the stock quote; and including the stock quote in the message routed to the destination address, as taught by Levy, into view of Stephens in order to provide customers with up-to-date contents or information from the specified sources.

Regarding claim 17, Levy further teaches limitations of the claim in col.6, lines 41-44 and col.7, lines 8-12 or col.9, lines 16-27.

Regarding claim 20, in stock trading markets, the stock quotes, of cause, are more important for brokers who often track on them. Therefore, stock quote must be prioritized or ranked more important then an incoming caller identification (ID) information. It should be obvious to incorporate the feature of prioritizing or ranking receipt of the stock quote over receipt of an incoming caller ID signal, into view of Stephens and Levy, in order to prevent lost to brokers as well as investors from trading in stocks markets.

7. Claims 9-10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephens et al. (US. Pat. #: 6,259,772) in view of Jenkins (US. Pat. #: 6,950,502).

Regarding claim 9, Stephens further teaches delivery of message within 24 hours. A profile, of cause, has no schedule data of a day of week. Stephens fails to teach the feature of retrieving a day of week from the profile for generating the message. However, Jenkins teaches a method of delivery message to recipient wherein the schedule data included "Date" and "Time" are entered as shown in figure 6D and note col.6, lines 12-18 or col.9, lines 57-64 for a purpose of delivery of messaging to recipient at the expected time in the future.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate the use of the feature of retrieving a day of week from the profile for generating the message, as taught by Jenkins, into view of Stephens in order to deliver messages to recipients in extended and expected time in the future.

Regarding claims 10, 16, Jenkins further teaches limitations of the claim in col.4, lines 37-40.



Art Unit: 2614

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

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**/BINH K. TIEU/**  
Primary Examiner  
Technology Division 2614

Date: August 2008